

ASSEMBLY BILL

No. 1231

Introduced by Assembly Member Jerome Horton

February 22, 2005

An act to amend Section 40440 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1231, as introduced, Jerome Horton. Air pollution.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the South Coast Air Quality Management District board (south coast district board) to adopt rules and regulations relating to air pollution, not in conflict with state laws and federal laws and rules and regulations.

This bill would require the south coast district board to adopt rules and regulations, not in conflict with state and federal laws, rules, and regulations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 40440 of the Health and Safety Code is
2 amended to read:

1 40440. (a) The south coast district board shall adopt rules and
2 regulations that carry out the plan and are not in conflict with
3 state law and federal laws and rules laws, rules, and regulations.
4 Upon adoption and approval of subsequent revisions of the plan,
5 these rules and regulations shall be amended, if necessary, to
6 conform to the plan.

7 (b) The rules and regulations adopted pursuant to subdivision
8 (a) shall do all of the following:

9 (1) Require the use of best available control technology for
10 new and modified sources and the use of best available retrofit
11 control technology for existing sources.

12 (2) Promote cleaner burning alternative fuels.

13 (3) Consistent with Section 40414, provide for indirect source
14 controls in those areas of the south coast district in which there
15 are high-level, localized concentrations of pollutants or with
16 respect to any new source that will have a significant effect on air
17 quality in the South Coast Air Basin.

18 (4) Provide for transportation control measures, as listed in the
19 plan.

20 (c) The south coast district board shall adopt rules and
21 regulations that will assure that all its administrative practices
22 and the carrying out of its programs are efficient and
23 cost-effective, consistent with the goals of achieving and
24 maintaining federal and state ambient air quality standards and
25 achieving the purposes of this chapter.

26 (d) The south coast district board shall determine what is the
27 best available retrofit control technology for existing electric
28 plants, and shall adopt rules and regulations requiring the use of
29 the best available retrofit control technology in existing electric
30 plants, if the board finds and determines that to do so is necessary
31 to carry out the plan.

32 (e) In adopting any regulation, the south coast district board
33 shall comply with Section 40703.